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Attorney for Defendant/Counterclaimant
ARTHREX, INC.

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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

<u>KFX MEDICAL CORPORATION, a</u>)	Case no. 11cv1698 DMS (BLM)
Delaware corporation,)	
)	JOINT SUBMISSION OF
Plaintiff and Counterdefendant,)	PROPOSED JURY VERDICT
)	FORMS – PHASE II
v.)	
)	
ARTHREX, INCORPORATED, a)	
Delaware corporation,)	
)	
<u>Defendant and Counterclaimant.</u>)	

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ARTHREX, INC.

1 Plaintiff KFx Medical Corporation (“KFx”) and Defendant Arthrex, Inc.
2 (“Arthrex”), hereby submit proposed jury verdict forms as follows. The parties
3 were unable to agree to a joint verdict form. Attached as Appendix A is KFx’s
4 Proposed Jury Verdict Form. Attached as Appendix B is Arthrex’s Proposed
5 Jury Verdict Form.

6 **Brief Statement of KFx’s Position**

7 KFx believes its question on damages is simple and straightforward.
8 Arthrex’s question is confusing. The damages to be awarded are a “reasonable
9 royalty.” A royalty can be a lump sum.

10 **Brief Statement of Arthrex’s Position**

11 Arthrex believes its damages question provides additional options for the
12 jury and better reflects the options it will hear from both damages experts.

13 Respectfully submitted,

14
15 KNOBBE, MARTENS, OLSON & BEAR, LLP

16
17 Dated: September 25, 2013 By: s/ Joseph F. Jennings

18 Joseph F. Jennings
19 Brian Horne
20 Sean M. Murray
21 Sarah Lampton
22 Marissa Calcagno

23 Attorneys for Plaintiff and Counterdefendant
24 KFx Medical Corporation

25 DICKSTEIN SHAPIRO LLP

26
27 Dated: September 25, 2013 By: s/ S. Gregory Herrman

28 Robert W. Dickerson, Jr.
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Attorneys for Defendant and Counterclaimant
Arthrex, Incorporated

PROOF OF SERVICE

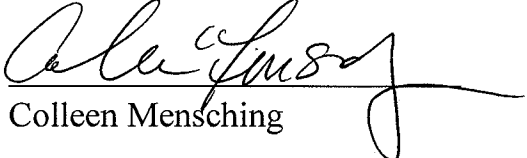
I hereby certify that on September 25, 2013, I caused the **JOINT SUBMISSION OF PROPOSED JURY VERDICT FORMS** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following person(s):

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I certify and declare under penalty of perjury under the laws of the State of California that I am employed in the office of a member of the bar of this Court at whose direction the service was made, and that the forgoing is true and correct.

Executed on September 25, 2013, at San Diego, California.


Colleen Mensching

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APPENDIX A

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KFX MEDICAL CORPORATION, a
Delaware corporation,

Plaintiff and Counterdefendant,

v.

ARTHREX, INCORPORATED, a
Delaware corporation,

Defendant and Counterclaimant.

} Case no. 11cv1698 DMS (BLM)

} **KFX’S PROPOSED JURY**
} **VERDICT FORM – PHASE 2**

} Honorable Dana M. Sabraw

1 Ladies and gentlemen of the jury, it is now your duty to answer the
2 following question presented in this verdict form after due deliberation.

3 **DAMAGES**

4 What is the amount of damages that Arthrex should pay KFx for
5 infringement of the KFx patents?

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7 \$ _____
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11 Dated: _____
12 San Diego, CA

_____ Foreperson
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APPENDIX B

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v.

ARTHREX, INCORPORATED, a
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Defendant and Counterclaimant.

) Case no. 11cv1698 DMS (BLM)

) **ARTHREX’S PROPOSED JURY**
) **VERDICT FORM – PHASE 2**

1 Ladies and gentlemen of the jury, it is now your duty to answer the
2 question presented in this verdict form after due deliberation.

3 What is the appropriate damages structure for Arthrex's payment of
4 damages to KFx for infringement of the KFx patents?

5
6 ☐ Lump Sum \$ _____

7 OR
8

9 ☐ Royalty-Based Amount \$ _____

10
11
12 Dated: _____
13 San Diego, CA

Foreperson